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NOTIFICATION

No. H. 12018/61/95-LJD/Pt-I, the 20th January, 1997. The following Act of the Mizoram Legislative Assembly, which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram Act No. 12 of 1996

The Mizoram Urban & Regional Development (Amendment) Act, 1996.

Received the assent of the Governor of Mizoram on the 6th January, 1997.

AN

ACT

to amend the Mizoram Urban and Regional Development Act, 1990 (Act No. 12 of 1990).

Be it enacted by the Legislative Assembly of Mizoram in the Forty-seventh Year of the Republic of India, as follows :—

Short title, extent and commencement

1. (1) This Act may be called the Mizoram Urban and Regional Development (Amendment) Act, 1996.

(2) It shall extend to whole of the State of Mizoram, except the Autonomous Districts of Chakma, Mara and Lai constituted under sub-paragraph (2) of paragraph I of the Sixth Schedule to the Constitution of India.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas or regions.

Amendment of section 2

2. In section 2 of the Mizoram Urban and Regional Development Act 1990, (hereinafter referred to as "Principal Act"), n section 2,—

(a) for Clause (ii), the following clause shall be substituted, namely –

(vii) "Chief Town & Country Planner" means a person possessing the prescribed qualifications in Town & Country Planning and so appointed by the Government under section 3 of this Act to perform the duties of Chief Town & Country Planner;

(b) in clause (ix), for the word "Advisory Committee set up", the words, "Urban Planning and Development Board or Committee constituted" shall be substituted;

(c) for clause (xi), the following clause shall be substituted, namely – "Collector" means any person so defined in the Land Acquisition Act, 1894;

(d) in clause (xiii), the following words shall be substituted, namely –

"Development Plan" means integrated Interim Development Plan, District or Regional Development Plan, Urban Development Plan, Sectoral or Rural Development Plan prepared under this Act;

(e) after clause (xiii), a new clause shall be inserted, namely– "clause (xiii-A) "District" means a district in a State":

(f) in clause (xxi), the following words shall be substituted, namely –

"Local Authority" means a Village Council or Town Committee Municipality or Municipal Board or District Council or other authority legally entitled to or entrusted by the Government with, control or management of local fund or which is permitted by the Government to exercise the powers of a local authority";

(g) in clause (xxvii), the following words shall be substituted, namely –

"Planning Area" means any area or areas or any Town or Urban area as declared to be planning area or areas under this Act";

(h) in clause (xxxi), the words, "sub-section (f), shall be substituted by the words, "clause (f)";

(i) in clause (xxxix), after words, "Development scheme" the following words, "prepared under this Act"; shall be inserted;

(j) after clause (xli) a new clause shall be inserted, namely –
(xlii) "Town or Urban area" means such area as already declared under clauses (9) or (10) or rule 2 of the Mizo District (Land and Revenue) Rules, 1967 as adopted from time to time, or under the Mizoram Urban Areas Rent Control Act, 1973, as the case may be, and such other area or areas to the population of the area the density of the population therein, the revenue generated for administration, the percentage of employment in non-agriculture activities, the economic importance or such other factors as may deem fit, specify by notification in the Official Gazette for the purpose of this Act";

(k) "Clause (xlii)" shall be renumbered as "clause (xliii)".

Amendment of section 3

3. (a) In section 3 of the principal Act –
"Establishment of department and appointment of staff", the heading,

"Appointment of Chief Town & Country Planner and Constitution of Mizoram Urban Planning and Development Board or Committee" shall be substituted.

(b) for sub-section (1), the following sub-section shall be substituted, namely –

"(1) On and from
State Government shall, by notification in the official Gazette, appoint a person possessing the prescribed qualifications in Town & Country Planning as the Chief Town & Country Planner to perform the functions assigned to him under this Act for the State and may appoint such other categories of Officers and staff which may be necessary for the discharge of the duties and the functions of the Board or Committee".

(c) In sub-sections (2) and (3), for the words "Chief Urban Development Officer" the words "Chief Town & Country Planner" shall be substituted.

(d) for sub-section (4), the following sub-section shall be substituted, namely –

"(4) The State Government may, by notification in the Official Gazette, constitute a State Urban Planning and Development Board for the whole of the State of Mizoram and for the District, City or Town Planning and Development Committees as the case may be, such Board or Committees with such members and in such manner as may be prescribed by the Government under this Act to advise the State Government in regard to the spatial and economic planning and development and for determining principles and policies under this Act with a view to achieving balanced and coordinated development of the cities, towns and regions as a whole; and to assist the Board in matter of Development Plan preparation and implementation.

(e) After sub-section (8), the following sub-sections shall be added, namely --

(9) The Mizoram Urban Planning and Development Board shall consist of the following members, namely —

(a) Chief Minister	Chairman
(b) Minister in charge of Local Administration Department (Urban Planning & Development) Mizoram	Vice-Chairman
(c) Chief Secretary, Mizoram	Member
(d) Development Commissioner	Member
(e) Secretary, Finance, Mizoram	Member
(f) Secretary, Land & Revenue, Mizoram	Member
(g) Secretary, Local Administration Department (Urban Planning and Development), Mizoram	Member
(h) Secretary, Law & Judicial, Mizoram	Member
(i) Principal Chief Conservator of Forest, Environment & Forest, Mizoram	Member
(j) Chief Engineer, Public Health Engineering Department, Mizoram	Member
(k) Chief Engineer, Power & Electricity, Mizoram	Member
(l) Chief Engineer, Public Works Department, Mizoram	Member

(m) Director, Health & Family Welfare, Mizoram. — Member

(n) Director, Local Administration Department. — Member

(o) Director, Geology & Mining. — Member

(p) One MLA from each District nominated by the Hon'ble Speaker, Mizoram Legislative Assembly. — Member

(q) Two prominent citizens, to be nominated by the State Government. — Member

(r) President of Central Young Mizo Association representing Voluntary Organisation. — Member

(s) Chief Town & Country Planner, Local Administration Departments (Urban Planning and Development), Mizoram. — Member—Secretary

(10) The District Planning and Development Committee shall consist of the following members—

(a) Chairman to be appointed by the State Government;

(b) Not less than four-fifth of the total members of such committee shall be elected members of the Village Councils and the Municipalities in the district in proportion of the ratio between Urban and Rural population in the district or region;

(c) Persons to be appointed by the State Government having special knowledge on matters specified below -

Administration– Provided that the Deputy Commissioner concerned may be appointed the Vice–Chairman, Finance

Planning Department;
Each District head of the following namely :–

Public Health Engineering, Public Works Department, Power & Electricity, Environment & Forest, Agriculture, Industies, Health, Education, Sports, Land & Revenue, Geology.

(d) District Town & Country Planner to be appointed as Member Spatial Planning shall be Member–Secretary of the Committee.

(11) The City or Town Planning and Development Committee shall consist of the following members :

(a) Chairman to be appointed by the State Government;

(b) Not less than two-thirds of the members of such committee shall be elected members of the municipalities in the city or town area and Chairpersons of the Village Councils in the proportion of population of the city or town and village councils;

(c) Persons to be appointed by the State Government having special knowledge on Finance, Engineering, Planning and Health matters, Persons to be appointed by the Government from the following departments, namely, Public Health Engineering, Public works Department, Land & Revenue, Power & Electricity, Industries, Transport, Geology, Education and Human Resources Sports and Youth Services, Deputy Commissioner of the concerned City or Town;

(d) Town & Country Planner to be appointed as Member-Spatial Planning shall be the Member-Secretary of the Committee".

Amendment of Section 4

4. In section 4 of the principal Act, —

(1) in sub-section (i), in between the words, "State Government may" and the words "by notification", the words

"in consultation with the Board or Committee, as the case may be", shall be inserted,

(2) in sub-section (2), in between the words "State Government may" and the words "by notification" the words

"In consultation with the Board or Committee, as the case may be", shall be inserted,

(3) in sub-section (3) in between the words "State Government may" and the words "notification"

"in consultation with the Board or Committee, as the case may be", shall be inserted.

(4) after sub-section (3), the following new sub-section shall be inserted namely—

"(4) The State Government in consultation with the Board or Committee, as the case may be, may by notification—

(a) declare the limit of Town or Urban area in the State for the purpose of proper Planning and development of such Town or Urban area under this Act;

(b) amalgamate two or more towns or urban areas so as to form one Town or Urban area and specify the name by which such Town or Urban area shall be known,

(c) declare that the whole or part of the Town or Urban area comprising a Town or Urban area comprising a Town or Urban area shall cease to be Town or Urban area or part thereof".

Amendment of section 5

5. In the principal Act, in section 5,—

(a) for the heading of section 5, the following heading shall be substituted, namely :—

"Power

(b) for the opening provision of sub-section (1) the following sub-section shall be substituted, namely—

"(1) Subject to the provisions of this Act and the rules made thereunder, the Board or Committee may, if required by the State Government direct the Chief Town & Country Planner or Municipal or local authorities"—

(c) clauses (j) and (l) shall stand deleted;

(d) in clause (m) of sub-section (2), after the tation" the words

"as approved by the Government" shall be added;

(e) for clause (n) of sub-section (1) the following clause shall be substituted, namely :—

"(n) the Board or Committee shall, if so required take up preparation of Development Plans, schemes and projects on behalf of such Government Agency or Municipal Board or Municipality or authority at the cost of their expenditure, and also scrutinise the Development Plans prepared by the Municipalities or Village Council or any local authority and assist the State Government in following the due process of law before these are legally enforceable and coordinate for its implementation";

(f) clauses (p) and (r) shall stand deleted;

(g) in sub-section (2), the word "Department" in the opening sentence of the said sub-section, the words,

"Government in consultation with the Board or Committee, as the case may be" shall be substituted.

(h) for sub–section (4), the following sub–section shall be substituted, namely –

"(4) The Board or Committee as the case may be, in preparing the Development

(a) have regard to –

i) the plans prepared by the Municipalities and the Village Councils including spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation,

ii) the overall objectives and priorities set by the Government of India and the State Government,

iii) the extent and nuture of investments likely to be made in such areas by agencies of the Government of India and of the State Government and other available resources whether financial or otherwise,

(b) consult such institutions and organisations as the Governor may, by order, specify,

(i) for sub-section (5), the following sub-section shall be substituted, namely –

"(5) The draft development plan to be prepared by the Municipalities, Village Councils or local autorities shall be submited to the Board or Committee, as the case may be".

(j) in sub-section (6) for the word "the Department" the words, "The Chief Town & Country Planner" shall be substituted.

Amendment of section 6

6. In section 6 of the principal Act, –
(I) In sub-section (I), for the words and figures, "the Department shall compulsorily acquire such area or areas of land under the Land Acquisition Act, 1894 as amended either or by agreement and on its failure so to acquire, the Department shall make an application to the Government for acquiring such land under the Land Acquisition Act, 1894 as amended from time to time (Central Act No.1 of 1894)" the words "it shall be deemed to be land needed for public purpose and the Government may acquire such area or areas of land, –

(a) either compulsorily; or
(b) by agreement; or
(c) by making an application to the collector for acquiring such land under the Land Acquisition Act, 1894 as amended from

time to time, and the land (together with the amenity, if any, developed or constructed) so acquired shall vest in the Government" shall be substituted.

(2) After sub-section (4), the following new section shall be inserted, namely –

"(5) Subject to the regulations made by the Government, the owner of a plot of land which has been declared to be needed for public purpose under sections 4, 12, 13, 14, 16 and 18 of this Act, the owner will be eligible for the award of Transferable Development Right (TDR) to such extent, and on such conditions as may be determined by the government".

Amendment of section 7

7. In section 7 of the principal Act,-

(a) in sub-section (I), for the words, "Subject to any direction as given by the Government under this Act, the Department may dispose of", the words,

"Subject to the regulations made by the state Government under this Act, the Government may dispose of the land so transferred or handed over to the Government and so acquired under section 6 of this Act", shall be substituted.

(b) sub-sections (2) and (3) shall stand deleted.

Amendment of section 8

8. In section 8 of the principal Act,—

(1) For the word "Department" wherever it occurs, the word, "Chief Town & Country Planner" shall be substituted.

(2) In sub-section (4) of section 8, for the words and figures "Sub-section (1)," the words and figure "Sub-section (3)", shall be substituted.

Insertion of new sub-section

9. In section II of the principal Act, after entry 5, the following entry shall be inserted, namely—

"(6) The period of Interim Development Plan, District of Regional Development Plan, Urban Development Plan and Sectoral or Rural Development Plan preparation shall be one year, three years, two years, and one year respectively".

Amendment of section 13

10. For section 13 of the principal Act, the following section shall be substituted—

"13. The District or Regional development plan may provide for all or any of the following matters, namely—

(a) Broad demarcation of areas for agriculture, forestry, industry, mineral development, urbin and rural settlements and other activities;

(b) Reservation of land for recreation, botanical and ecological gardens, natural reserves, animal sanctuaries, dairies and health resorts and for preservation, conservation and development of areas of natural scenery, forest, wild life, natural resources and landscaping.

(c) Preservation of objects, features, structures or places of historical, natural, archaeological or scientific interest and educational value;

(d) Prevention of erosion, landslide prone, provision for afforestation or reforestation, improvement and re-development of water front areas, rivers and lakes;

(e) Transport and communications network such as roads, highways, railways, waterways, canals and airports including their future development.

(f) Proposals for irrigation, water supply, hydroelectric works, flood control and prevention of river pollution;

(g) Rural and urban centres, both existing and new, indicating extent of their anticipated growth.

(h) Regulations for regulating the use of land in accordance with the goals and objective of the District Development Plan, for preserving, protecting and enhancing the natural amenities within the District planning area and for related purposes, and

(i) indicate the phasing of the programme of development;

(j) Such other matters as are incidental to or emerging from the above".

Amendment of section 17

11. In sub-section (7) of section 17 of the principal Act, in between the words namely, "local authorities" and "in the enforcement" the words

"or Voluntary Organisations or Privates" shall be inserted.

Amendment of section 18

12. For sub-section (1) of section 18 of the principal Act, the following sub-section shall be substituted, namely—

"(1) As soon as may be, but not later than 6 months after the submission of the Development Plan under section 17, the State Government in consultation with the Board or Committee may either approve the Development Plan in full or approve with such modifications as it may consider necessary, or may return to the Chief Town & Country Planner to modify the same or to prepare afresh in accordance with such directions as it may issue in this behalf".

Amendment of section 21

13. In section 21 of the principal Act, after the word "circumstances" the following proviso shall be inserted, namely –

"Provided that District or Regional Development Plan shall be reviewed at least once in every 10 years whereas Interim Development Plan Urban Development Plan and Sectoral or Rural Development Plan shall be reviewed at least once in every 5 years".

Amendment of section 31

14. In section 31 of the principal Act, in between the word and figures "or section 30", the word and figure "section 29" shall be inserted.

Amendment of section 32

15. In section 32 of the principal Act –

(a) in sub-section (2), for the words, "from the Department the word
"from the local authority" shall be substituted.

(b) the proviso to sub-section (2) shall stand deleted.

(c) for the punctuation mark ":" at the end of sub-section (2) the punctuation mark ":" shall be substituted,

Amendment of section 36

16. In the second line of sub-section (1) of section 36 of the principal Act, for the words, "Department may be" the words, "The Chief Town & Country Planner or Municipalities, Government agencies or any local authorities as entrusted under sub-section (7) of section 17 may" shall be substituted,

Amendment of section 37

17. For sub-section (3) of section 37 of the principal Act, the following sub-section shall be substituted, namely –

"(3) The decision of State Government after due consideration shall be final"

Amendment of section 38

18. For section 38 of the principal Act,

(1) in sub-section (4), in between the words, "Schemes" and the words "as published" the words "within a period of three months" shall be inserted.

(2) In sub-section (5) for the words "Mizoram Housing Board, the words, "Land Revenue & Settlement Department" sha be substituted.

Amendment of section 40

19. In section 40 of the pricipal Act, –
in sub-sections (1) and (2) for the word, "Department" the words

"Chief Town & Country Planner or Municipalities or Government agencies or any local authority" shall be substituted.

Amendment of section 42

20. In section 42 of the principal Act, for the word "Department", by the words,

"Chief Town & Country Planner or Municipalities or Government agencies or any local authority" shall be substituted.

Amendment of section 43

21. In the principal Act, in Section 43 –

(a) for the heading "Implementation of works in final Development Scheme by the department", the heading

"Implementation of Development Plan and Scheme" shall be substituted.

(b) For sub-section (1), the following sub-section shall be substituted, namely –

"(1) Under the guidance and supervision of the Board or Committee, and direction of the State Government Implementation of Development Plan and Scheme shall be a Joint efforts and participation of various Government agencies, Municipalities, Village Councils, Voluntary Organisations as specified under sub-section (7) of section 17, 18 and sub-section (7) of section 38" ;

(c) Sub-section

(d) For sub-section (3), the following shall be substituted, namely–

"(3) Subject to such terms and conditions under the rules as may be made in this behalf, the State Government shall decide the manner of assuming responsibilities and collection of fees out of the executed schemes for the maintenance of the amenities or public assets created under this Act".

Amendment of section 44

22. In section 44 of the principal Act,

(a) for the word "rules" the word "regulation" shall be substituted.

(b) the word, "develop" shall be deleted.

Amendment of section 45.

23. In section 45 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely–

"(2) The State Government shall, by rules, determine and prescribe the development charges to be paid from time to time".

Amendment of section 46

24. In principal Act, for section 46, the following section shall be substituted, namely-

"46. The State Government shall by rules determine the method, manner, conditions, and mode of levy, collection of development charges and other fees chargeable under this Act from time to time".

Amendment of section 47

25. In the principal Act, in section 47,-

(a) for the heading, the following heading shall be substituted, namely-

"Funds"-

(b) for sub-section (1), the following sub-section shall be substituted, namely-

"(1) the State Government shall place all such Urban Development fund at the disposal of the Board or Committee, as the case may be, on Spatial and Economic development plans and schemes preparation thereof and its implementation as may be compatible with the respective State Five Year Plan and the Annual Plan".

(c) for sub-section (2), the following sub-section shall be substituted, namely—

"(2) The State Government shall, by notification, constitute a 'State Urban and Regional Planning and Development Fund' for the purpose of preparation of development plans and implementation thereof, and the administration of such fund shall be made in such manner as may be prescribed under this Act."

(d) Sub-section (3), (4) and (5) shall be deleted.

Amendment of section 48

26. (1) In section 48 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely —

"(I) the Government may from time to time borrow at such rate of interest and for such period and upon such term, any sum of money required for the purpose of the Development Plan and Implementation of the Development Schemes or any of the purposes of this Act."

(2) In sub-section (2) of this section, for the word, "Department" the word, "Government" shall be substituted.

Amendment of section 49

27. (1) In section 49 of the principal Act, for the proviso (iv), (v), (vi) and (vii) to clause (g), the clauses (h), (i), (j) and (k) shall be substituted.

(2) for the provision of the new clause (h), the following clause shall be substituted, namely—

"(h) powers of the Chief Town & Country Planner under this section shall extend to the whole State in coordinating different Government agencies, local authorities and Voluntary Organisations in the matter of implementation of the development plan, or otherwise as may be directed by the State Government :

Provided that the powers of the District Town & Country Planner shall extend only to the respective District and the powers of the sub-divisional Town and Country Planner shall extend only to such Sub-division of Planning area or region or project as may be notified".

Amendment of section 50

28. In section 50 of the principal Act,—

(a) clauses (a) and (b) of sub-section (1), and (b) sub-sections (2), (3), (4), (5) and (6) shall be deleted.

Amendment of section 51

29. In section 51 of the principal Act, for the words, "Signature of the Chief Urban Development Officer of the Department" the words "the Secretary to the Board", shall be substituted.

Amendment of Section 55

30. In section 55 of the principal Act, for the word, "Department" the words, "Board or Committee or Chief Town & Country Planner" shall be substituted.

Deletion of section 58

31. Section 58 of the principal Act shall be deleted.

Deletion of section 60

32. Section 62 of the principal Act shall be deleted.

Amendment of section 62

33. In section 62 of the principal Act, the words, "Department" the words, "State Government" shall be substituted.

Amendment of section 64

34. For section 64 of the principal Act, the following section shall be substituted, namely –

"64(1) The Chief Town & Country Planner or any person authorised by the State Government in this behalf by general or special order, may compound any offence punishable under this Act.

(2) When an offence has been compounded. the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence already compounded".

Amendment of section 66

35. In section 66 of the principal Act, for the words, "Department constituted under this Act" the words,

"Appellate Authority appointed under section 25 of this Act" shall be substituted.

Deletion of section 67

36. Section 67 of the principal Act shall be deleted.

Amendment of section 69

37. In section 69 of the principal Act, the word, "Court" the word, "suit" shall be substituted.

Amendment of section 70

38. In section 70 of the principal Act, the word, namely :-
"Department" the words,
"Board of Committee" shall be substituted.

Amendment of section 72

39. In section 72 of the principal Act -

(a) in sub-section (1), for the words, "by the Department of the Government and the Department" the words,

"by any officer of the local authority or Government agencies" shall be substituted.

(b) in sub-section (3), the word, "Department" the words, "Chief Town & Country Planner shall" shall be substituted,

Amendment of section 74

40. In section 74 of the principal Act, before the words,

"No sub-division", the words,
"within notified planning areas or regions under section 4 of this Act" shall be inserted.

Amendment of section 75

41. In the principal Act, for section 75, the following section shall be substituted, namely-

"75. Overriding Effect -

If any of the provisions of this Act is found repugnant to or in conflict with any of the provisions of any other law or laws either made by the State Government, the provisions or provisions of this Act shall have the overriding effect over the corresponding conflicting provision or provisions of such other law or loaws".

Amendment of section 76

42. In section 76 of the principal Act in sub-section 2,-

(a) in clause (a) for the word "Department" the word "Board or Committee" shall be substituted.

(b) in clauses (b) and (c) for the words "Department", the words, "Board or Committee" shall be substituted.

(c) clauses (p), (q) (r), (s) and (t) shall stand deleted.

(d) clauses (u) and (v) of sub-section (2) shall be re-numbered as (p) & (q) respectively.

Amendment of section 77

43. In section 77 of the principal Act, the following clauses, namely, (a), (b), (c), and (d) shall be deleted and renumbered as clause (a), (b) and (c) respectively.

Amendment of section 80

44. In the principal Act, for section 80, the following section shall be substituted, namely —

"80 (1) The Board or Chief Town & Country Planner and every committee shall carry out such direction or instruction as may be issued from time to time by the State Government for the efficient administration of the Act.

(2) If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order publish in the Official Gazette, as the occasion may require do anything which appears to it to be necessary to remove the difficulty.

(3) Every order made under sub-section (2) shall as soon as may be after, it is published, be laid before the State Legislature and shall, subject to any modification which the State Legislature may make, have effect as if enacted in this Act."

Ommission of section 81

45. Section 81 of the principal Act shall be ommitted.

General Amendment of the Act.

46. After section 81 of the principal Act, a new heading shall be inserted, namely —

"82. General Amendment of the Act. The words "Chief Urban Development Officer is substituted for the words "Chief Town & Country Planner" wherever it occurs in the section or sub-sections, clause or sub-clauses under the Act.

P. Chakraborty,
Secretary to the Govt. of Mizoram,
Law & Judicial Department.

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